

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 3 and 11 have been cancelled, while claim 1 has been amended to include the limitations of cancelled claim 3. In addition, claim 2 has been amended such that it is now consistent with claim 1.

Applicants believe that the above changes answer the Examiner's 35 U.S.C. 101 and 35 U.S.C. 112 rejections of claim 11, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1-11 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,764,619 to Nishiuchi et al. in view of U.S. Patent Application Publication No. 2002/0006105 to Usami.

The Nishiuchi et al. patent discloses an optical recording medium having two separate recording layers.

The Usami publication discloses an optical data recording medium in which a substrate has pre-grooves formed therein, and a dye recording layer formed thereon.

The Examiner has indicated that Nishiuchi et al. discloses all of the claim limitations except that "Nishiuchi fails to teach that the first LO guide groove has a depth less than 100nm. However, Usami teaches the depth of the pre-groove is preferably from 30 to 90 nm (the pit depth is 90nm, para [0024])."

Applicants submit that there is no disclosure that the recording medium of Usami would be applicable in a recording stack of a multi-layer recording medium as in Nishiuchi et al. Further,

as noted in Usami, the reading/recording light enters the Usami recording medium through the transparent substrate 10. In the subject invention, the first recording stack L0 is inverted, i.e., the light enters through the second recording stack L1 and then through the transparent spacer layer, the recording dye layer and is reflected by the first reflective layer.

Applicants therefore submit that in such an arrangement, it is not obvious that "the first L₀ guide groove has a depth G_{L0} in the range 25 nm < G_{L0} < 40 nm".

Further, the Examiner has indicated that the claim limitation "the first reflective layer comprises a metal and has a thickness > 50 nm" is disclosed in Nishiuchi et al. at col. 14, line 34.

Applicants submit that the Examiner is mistaken. In particular, Nishiuchi et al., at col. 14, lines 30-36, states:

"In the case where the second information layer 4 is the reproduction only information layer, the transmissivity is not required to be considered. It is preferable that the reflectance be the highest possible reflectance. In the case where the metal is employed to form the second information layer 4, a metal formed into a thin film having a thickness of 40 nm to 200 nm is employed."

It should be apparent that Nishiuchi et al. is referring to a metal information (recording) layer and not a dye recording layer. Further, again, Nishiuchi et al. is referring to a metal information layer, and not "first reflective layer present between the L₀ recording layer and the first substrate", where "the first reflective layer comprises a metal and has a thickness > 50 nm".

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1 and 3-10, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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